

Compliance With The Law: Enforcement Of Violations

The Louisiana Department of Environmental Quality conducts an aggressive program of permit issuance and permit regulation. All facilities that discharge into Louisiana's public water, air or land are required by law to obtain a permit from the state. DEQ is unequivocally committed to enforcing those laws – and DEQ is getting the job done.

In the year 2000, DEQ received and investigated more than 3300 complaints of possible permit violations from the public.

HOW DEQ HANDLES COMPLAINTS

- Public complaints are received by the DEQ Single Point of Contact (SPOC). This office is located in DEQ's Emergency Response Section. The SPOC receives complaints, spill reports and other possible noncompliance notifications.

- The phone number for the SPOC is 225-763-3908 during normal business hours. The phone number for after-office hours is 225-342-1234. This number is monitored by the State Police and is also available during office hours. The State Police number is a recording that gives the caller two options: "1" for emergencies and "2" for DEQ information.

- All complaints routed through the SPOC are then referred to the appropriate Surveillance supervisor. The supervisor will assign an inspector to the complaint for investigation.

- The inspector initiates the investigation within 7 days of receipt of the assignment.

- A report listing the findings by the inspector is drafted and submitted to the supervisor.

- The supervisor then determines whether further action is warranted, such as a referral to DEQ's Enforcement Division.

Here are four sample complaints that have been referred to DEQ's Enforcement Division. Each led to the issuance of an appropriate enforcement action.

WATER COMPLAINT

DEQ Northwest Regional Office (Shreveport)

On April 16, 1998, the U.S. Coast Guard notified DEQ that an oil spill had occurred in the Red

River, south of Shreveport near the Caddo/Bossier Port Commission facility in Caddo Parish. The call was received by the Single Point of Contact (SPOC) who forwarded the pertinent information to the Northwest Regional Office for appropriate follow-up. An inspection was conducted by the surveillance staff to determine the source and extent of the oil spill. The volume of the spill was estimated to be approximately 100 gallons and the spill extended for a distance of five miles downstream of the port facility. The spill was traced back to a point upstream of the Port facility in the vicinity of the wastewater outfall from Re-Claim Environmental Louisiana, LLC (Re-Claim). Although Re-Claim did not believe that the oil spill originated from its facility, it did agree to accept responsibility for the clean up of the spill and contacted an environmental service company.

Surveillance referred the case to DEQ's Water Enforcement Division for further action. A Consolidated Compliance Order/Notice of Potential Penalty (CO/NOPP) was issued to Re-Claim on January 25, 1999, for this spill and other violations. They included: a spill of approximately 15,000 to 25,000 gallons of recycled, refined oil product on May 30-31, 1998; failure to implement its Spill Prevention and Control (SPC) Plan and Storm water Pollution Prevention Plan (SWP3); and Louisiana Pollutant Discharge Elimination System (LPDES) permit violations.

This enforcement action is currently ongoing. A Settlement Agreement has been drafted and is presently at the Louisiana Attorney General's office for Concurrence.

HAZARDOUS WASTE COMPLAINTS

DEQ Capital Regional Office (Baton Rouge)

Case 1:

On June 2, 1998, DEQ received a complaint from an anonymous citizen. The complainant alleged that the owner of Scenic Chrome and Bumper was dumping chemicals, including acids, cyanide and nickel, down the toilet at the facility located on Scenic Highway in Baton Rouge, East Baton Rouge Parish. He further alleged that waters from the rinse tanks were being allowed

to run onto the ground outside of the facility. Inspectors went to the site on June 4, 1998. A compliance inspection, including a sampling event, was conducted with the assistance of water surveillance inspectors and representatives of the city-parish Department of Public Works. The inspection resulted in the facility receiving a Compliance Order on November 4, 1998, and a Penalty Assessment on April 7, 1999, for hazardous waste violations. The violations included improper disposal of hazardous wastes and failure to clean up spills in a timely manner. The facility did not appeal the actions and the penalty was paid on April 26, 1999. Since that time, follow-up visits to the site have shown that the facility has made substantial progress in remediating the site.

Case 2:

On April 29, 1998, DEQ received an anonymous complaint alleging that CPS Coatings, located on Eden Church Road in Denham Springs, Livingston Parish, was improperly storing drums of hazardous waste, failing to clean up spills, and allowing unauthorized discharges to a ditch that led to an off-site creek. Hazardous waste inspectors, accompanied by solid waste, water and air inspectors, went to the site on May 1, 1998. A compliance inspection, including sampling, was conducted. Hazardous waste violations found at the site included failure to determine if the many drums of waste at the site were a hazard and failure to clean up spills in a timely manner. DEQ issued the facility a Compliance Order on June 4, 1999. The owner of the business had disappeared and abandoned the wastes at the site. The property owner was then issued an Administrative Order on June 23, 1999 to make the determination on the wastes at the site and to dispose of the materials accordingly. This was done and, in a follow-up inspection on July 25, 2000, inspectors obtained documentation of the final disposal for the wastes previously at the site. The inspection revealed that no further action was necessary.

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Air Complaint example (see page 17)

